

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

KYMBERLY HOBBS,
ADMINISTRATOR OF THE ESTATE
OF CHARLES JAMES GIVENS,
DECEASED,

Plaintiff,

v.

ANTHONY RAYMOND KELLY, et al.,

Defendants.

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Case No. 1:23cv00003

VERDICT FORM

Liability: Excessive Force

1. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has proven by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery used excessive force against Mr. Givens in violation of the Eighth Amendment?

Answer “yes” or “no”

As to Anthony Kelly :

As to Gregory Plummer: _____

As to Joshua Jackson: _____

As to William Montgomery: _____

Liability: Deliberate Indifference

2. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery acted with deliberate indifference to Mr. Givens's serious medical needs, in violation of the Eighth Amendment?

Answer "yes" or "no"

As to Anthony Kelly : _____

As to Gregory Plummer: _____

As to Joshua Jackson: _____

As to William Montgomery: _____

Liability for Assault

3. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery committed an assault on Mr. Givens in violation of state law?

Answer "yes" or "no"

As to Anthony Kelly : _____

As to Gregory Plummer: _____

As to Joshua Jackson: _____

As to William Montgomery: _____

Liability for Battery

4. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery committed a battery on Mr. Givens in violation of state law?

Answer “yes” or “no”

As to Anthony Kelly : _____

As to Gregory Plummer: _____

As to Joshua Jackson: _____

As to William Montgomery: _____

Liability for Conspiracy

5. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery committed a conspiracy against Mr. Givens in violation of state law?

Answer “yes” or “no”

As to Anthony Kelly : _____

As to Gregory Plummer: _____

As to Joshua Jackson: _____

As to William Montgomery: _____

If you answered “No” to Questions 1- 5, please turn to Page __, where the Foreperson shall sign and date this form and return it to the court security officer.

If you answered “Yes” to any of the preceding questions, you must also answer the following questions concerning the amount of damages to be awarded to the plaintiff.

Compensatory Damages

6. We find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has established, by a preponderance of the evidence, that she is entitled to the following sum as compensatory damages of Charles Givens for the beneficiaries for the wrongful death of Charles Givens from the following defendants:

Anthony Kelly	\$ _____
Gregory Plummer	\$ _____
Joshua Jackson	\$ _____
William Montgomery	\$ _____

Punitive Damages

7. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, is entitled to punitive damages from any of the defendants?

Answer yes or no: _____

8. If you answered “Yes” to Question 7 as to a defendant, state the amount of punitive damages that you award to the plaintiff against that defendant:

Anthony Kelly	\$ _____
Gregory Plummer	\$ _____
Joshua Jackson	\$ _____
William Montgomery	\$ _____

Certification

I certify that the foregoing responses represent the unanimous verdict of the jury empaneled to consider this matter.

DATE

FOREPERSON'S SIGNATURE

FOREPERSON'S PRINTED NAME